ORIGINAL

Kurt J. Boehm, Esq. Jody M. Kyler, Esq. BOEHM, KURTZ & LOWRY 36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202

Ph: 513-421-2255 Fax: 513-421-2764

E-mail: kboehm@BKLlawfirm.com

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KZ CORP COMMISSION , DOCKET CONTROL

John William Moore, Jr. (Arizona Bar No. 021942)

7321 North 16th Street Phoenix, AZ 85020

Ph: 602-254-6044 Fax: 602-262-2943 E-mail: jmoore@mbmblaw.com

COUNSEL FOR THE KROGER CO.

Arizona Corporation Commission DOCKET File

AUG 0 1 2507

IM

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS:

Gary Pierce, Chairman Bob Stump Sandra D. Kennedy Paul Newman Brenda Burns

In The Matter Of The Application Of Tucson	:	Docket No. E-01933A-12-0291
Electric Power Company For The Establishment	:	
Of Just And Reasonable Rates And Charges	:	MOTION TO ASSOCIATE COUNSEL
Designed To Realize A Reasonable Rate Of	:	PRO HAC VICE
Return On The Fair Value Of Its Operations	:	
Throughout The State Of Arizona	:	

John William Moore, Jr., Esq., pursuant to Rule 38(a), Arizona R. Sup. Ct. moves the court to associate Kurt J. Boehm, Esq. and Jody M. Kyler, Esq. as counsel pro hac vice in this action. In support of this motion and pursuant to Rule 38(a)(3)(C), the following documents are attached.

- 1. Verified Applications;
- 2. Certificate(s) of Good Standing; and
- 3. State Bar of Arizona Notice of Receipt of Complete Applications.

John William Moore, Jr., Esq. hereby agrees to serve as local counsel in this matter and accepts the responsibilities detailed in Rule 39(a)(2), Ariz. R. Sup. Ct.

lh

ohn William Moore, Jr. (Az. Bar #021942)

Moore, Benham & Beaver 7321 North 16th Street Phoenix, AZ 85020

Ph: 602-254-6044 Fax: 602-262-2943

jmoore@mbmblaw.com

CERTIFICATE OF SERVICE

Copies of the foregoing were mailed via regular U.S. Mail to all parties listed on the Certificate of Service this 31st day of July, 2012.

nn William More, Jr., Esq.

Company	Contact	Address	<u>Date</u> <u>Added</u>
	Steve Olea	1200 W. Washington St. Phoenix, Arizona 85007	7/2/2012
	Janice Alward	1200 W. Washington Phoenix, Arizona 85007	7/2/2012
Arizona Corporation Commission	Lyn Farmer	1200 W. Washington Phoenix, Arizona 85007-2927	7/2/2012
	Bradley Carroll	88 E. Broadway Blvd. MS HQE910 P.O. Box 711 Tucson, Arizona 85702	7/2/2012

1	Arizona Corporation Commission			
2	Application of Tucson Electric Power for Establishment, Plaintiff)	SE # E-01933 /	A-120291
4	v.)		
5	, Defendant.	•	ICE OF REC	
6	Detendant.) COMI	PLETE APPL	ACATION
7	NOTICE IS HEREBY given by THE ST verified application and fee from Kurt Bo		ONA that it ha	as <u>received the</u>
8	In addition to this application, applicant h			o appear pro hac
9	vice, pursuant to Rule38 (a), within the pr	evious three (3) years:		
10	Title of Matter Application of APS to determine value v	Court/Agency Arizona Corporation Commission	Date	Granted?
11	Fair Value of Utility Property Ratemaking Purposes v -CLOSED-	Arizona Corporation Commission	6/24/2011	N
42				
12	Exhibit A, the original verified application	n and Exhibit B, the or	riginal Certifica	te(s) of Good
12 13	Exhibit A, the original verified application Standing are attached hereto.	n and Exhibit B, the or	riginal Certifica	te(s) of Good
		n and Exhibit B, the or	riginal Certifica	te(s) of Good
13	Standing are attached hereto.	n and Exhibit B, the or	riginal Certifica	ite(s) of Good
13 14	Standing are attached hereto.	-	riginal Certifica +aG + Fabiola Perez	ete(s) of Good
13 14 15 16	Standing are attached hereto.	·	Fabiola Perez Resource Cent) er er
13 14 15 16	Standing are attached hereto.	·	Fabiola Perez) er er
13 14 15 16 17 18	Standing are attached hereto. DATED this 25 nd day of July 2012		Fabiola Perez Resource Cent) er er
13 14 15 16	Standing are attached hereto.		Fabiola Perez Resource Cent) er er
13 14 15 16 17 18	Standing are attached hereto. DATED this 25 nd day of July 2012 Original Mailed on this 25 nd day of July 20 John W Moore		Fabiola Perez Resource Cent) er er
13 14 15 16 17 18 19 20	Standing are attached hereto. DATED this 25 nd day of July 2012 Original Mailed on this 25 nd day of July 20 John W Moore Moore Benham & Beaver PLC 7321 N 16th St		Fabiola Perez Resource Cent) er er
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13 14 15 16 17 18 19 20 21	Standing are attached hereto. DATED this 25 nd day of July 2012 Original Mailed on this 25 nd day of July 20 John W Moore Moore Benham & Beaver PLC 7321 N 16th St		Fabiola Perez Resource Cent) er er



Attn: Pro Hac Vice Dept 4201 N. 24th St., Ste 200 Phoenix, AZ 85016-6288 Phone: 602-340-7239

Revised 08/22/11

Application for Appearance Pro Hac Vice **PART I: Applicant Information** Name of Applicant: Kurt J. Boehm, Esq. Firm/Company Name: Boehm, Kurtz & Lowry Office Address: 36 E. Seventh St.., Suite 1510, Cincinnati, Ohio 45202 ___Email Address:_kboehm@BKLlawfirm.com Telephone: 513.421.2255 Fax: 513.421.2764 Residence Address: 1335 Sun Crest Drive, Cincinnati, Ohio 45208 Application of Tuscon Electric Power for Establishment of Just and Reasonable Rates and Charges Designed Title of cause or case where applicant seeks to appear: to Realize a Reasonable Rate of Return on the Fair Value of its operations throughout the state of Arizona. Docket Number: E-01933A-12-0291 Court, Board, or Administrative Agency: Arizona Corporation Commission Party on whose behalf applicant seeks to appear: The Kroger Co. Pursuant to Arizona Supreme Court Rule 38(a)(4), the applicant shall complete the information below: Courts to Which Applicant Has Been Admitted: Date of Admission: Bar Number: Kentucky October 11, 2002 89327 Ohio May 9, 2003 0076047 Applicant is a member in good standing in such courts. Applicant is not currently disbarred or suspended in any court. Applicant Dis / Vis not (select one) currently subject to any pending disciplinary proceeding or investigation by any court, agency or organization authorized to discipline attorneys at law. In the preceding three (3) years, applicant has filed applications to appear as counsel under Ariz. R. Sup. Ct., Rule 38(a) in the following: Title of Matter: Docket #: Court or Agency: App Granted? (Y/N) E-01345A-11-0224 Appl. Arizona Public Service for Just and Reasonable Rate: Arizona Corporation Commission This case or cause is / lis not (select one) a related or consolidated matter for which applicant has previously applied to appear pro hac vice in Arizona. If this matter is a related or consolidated with any previous application, Applicant certifies that he/she will review and comply with appropriate rules of procedure as required in the underlying cause. If applicable, please provide related or consolidated matter application or docket#_

Page 2				
PART II: Local Counsel Information				
Name of Arizona Lo	ocal Counsel: John Wil	liam Moore, Jr.		
State Bar of Arizona	Number: 021942			
Address: 7321 Nor	rth 16th Street, Phoe	enix, AZ 85020		
Telephone: 602-25	4-6044	Fax: 602-262-2943	_Email Address: jmoore@mbmblaw.com	
✓ Local Counsel is	a member in good stand	ding.		
Local Counsel as attorney to the cl	sociating with a nonresilient, to opposing parties	ident attorney in a particular cause : s and counsel, and to court, board, «	shall accept joint responsibility with the nonresident or administrative agency in that particular cause.	
PART III: Parties: Name(s) of each par		ne and address of all counsel of reco	ord:	
Party:		Counsel of Record:	Address:	
Attached Certifica	ate of Service			
	· · · · · ·			
\$460.00. Fifteen particles fund to	percent of the non-refun be distributed by the Ar	dable application fee paid pursuant	payable to the State Bar of Arizona, in the amount of to this section shall be deposited into a civil legal s and Education entirely to approved legal services	
Applicant is furnishing a certificate from the state bar or from the clerk of the highest admitting court of each state, territory, or insular possession of the United States in which the nonresident attorney has been admitted to practice law certifying the nonresident attorney's date of admission to such jurisdiction and the current status of the nonresident attorney's membership or eligibility to practice therein. The certificate furnished shall be no more than forty-five (45) days old.				
 Applicant certifies the following: Applicant shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Arizona, as provided in Ariz. R. Sup. Ct. Rule 46(b). Applicant will review and comply with appropriate rules of procedure as required in the underlying cause. 				
3. Applicant t	understands and shall co	emply with the standards of conduct	t required of members of the State Bar of Arizona.	
		Verification		
SIAIE OF _	Ohio)		
County of H	lamilton) ss.		
I, Kurt J. Boehm, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.				
Dated: 7/16/2012		Applicant's Signature: K	urt J. Boehm, Esq.	
SUBSCRIBED AND SWORN TO before me this 16th day of July , 20 12 , by				
Kurt J. Boehm				
Name of Applicant		_	Kimberly E. Walton Digitally signed by Kimberly E. Walton District confidency I. Walton, Designating Rusts Lowny, on, or, emalsh-systems/district/min.com, c=U5 OME: 2012.07.06 14:19:11 -04007	
Revised 08/22/11			Notary Public	

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Janice Alward 1200 W. Washington Phoenix, Arizona 85007

Steve Olea 1200 W. Washington St. Phoenix, Arizona 85007

Arizona Corporation Commission Lyn Farmer 1200 W. Washington Phoenix, Arizona 85007-2927

Bradley Carroll 88 E. Broadway Blvd. MS HQE910 P.O. Box 711 Tucson, Arizona 85702

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Thomas L. Rouse President-Elect

William E. Johnson Vice President

Margaret E. Keane Past President

YOUNG LAWYERS Jacqueline S. Wright Chair

EXECUTIVE DIRECTORJohn D. Meyers

514 WEST MAIN STREET FRANKFORT, KENTUCKY 40601-1812 (502) 564-3795 FAX (502) 564-3225 www.kybar.org



Douglas C. Ballantine
Anita M. Britton
Douglass Farnsley
Jonathan Freed
William R. Garmer
Richard Hay
Serieta G. Jaggers
Thomas N. Kerrick
David V. Kramer
Earl M. McGuire
Bobby Rowe
J. Stephen Smith
R. Michael Sullivan
M. Gail Wilson

THIS IS TO CERTIFY THAT

KURT JOSEPH BOEHM

36 East Seventh Street, Suite 1510 Cincinnati, Ohio 45202

Membership No. 89327

is an active member in good standing with the Kentucky Bar Association as required by the Rules of the Supreme Court of Kentucky. Dated this 17th day of July, 2012.

JOHN MEYERS REGISTRAR

Michele M. Pogrotsky, Deputy Registrar

The Supreme Court of Phio

CERTIFICATE

I, SUSAN B. CHRISTOFF, Director of the Attorney Services Division of the Supreme Court of Ohio, do hereby certify that I am the custodian of the records of the Office of Attorney Services of the Supreme Court and that the Attorney Services Division is responsible for reviewing Court records to determine the status of Ohio attorneys. I further certify that, having fulfilled all of the requirements for admission to the practice of law in Ohio,

Kurt Joseph Boehm

was admitted to the practice of law in Ohio on May 09, 2003; has registered as an active attorney pursuant to the Supreme Court Rules for the Government of the Bar of Ohio; is in good standing with the Supreme Court of Ohio; and is entitled to practice law in this state.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court, this 17th day of July, 2012.

SUSAN B. CHRISTOFF

Director. Attorney Services Division

Attorney Services Specialist

1	Arizona Corporation Commission			
3	Application of Tucson Electric Power, Plaintiff v.))) CAS	SE # E-01933	A-120291
4	, Defendant.))) NOT	ICE OF REG	TEIPT OF
6		•	PLETE APP	
7	NOTICE IS HEREBY given by THE STA verified application and fee from Jody Kyle		ONA that it h	as <u>received the</u>
8	In addition to this application, applicant ha			to appear pro hac
9	vice, pursuant to Rule38 (a), within the pre	vious three (3) years:		
10		Court/Agency Arizona Corporation Commission	Date 1/24/2012	Granted?
11				
12	Exhibit A, the original verified application Standing are attached hereto.	and Exhibit B, the or	riginal Certific	ate(s) of Good
13	DATED this 25 nd day of July 2012			
14	, , ,		\mathcal{Q} .	
15		-	tabi	eriz_
16			Fabiola Perez Resource Cen	
17			State Bar of A	rizona
18				
19	Original Mailed on this 25 nd day of July 20	12 to:		
20	John W Moore Moore Benham & Beaver PLC 7321 N 16th St			
	Phoenix, AZ 85020-0001			
22				
23				
ı	I			



Attn: Pro Hac Vice Dept 4201 N. 24th St., Ste 200 Phoenix, AZ 85016-6288 Phone: 602-340-7239

Application for Appearance Pro Hac Vice **PART I: Applicant Information** Name of Applicant: Jody M. Kyler, Esq. Firm/Company Name: Boehm, Kurtz & Lowry Office Address: 36 E. Seventh St.., Suite 1510, Cincinnati, Ohio 45202 Telephone: 513.421.2255 Email Address: jkyler@BKLlawfirm.com Fax: 513.421.2764 Residence Address: 3410 Riverwood Lane, Apt. 3B, Cincinnati, Ohio 45140 Application of Tuscon Electric Power for Establishment of Just and Reasonable Rates and Charges Designed Title of cause or case where applicant seeks to appear: Lo Realize a Reasonable Rate of Return on the Fair Value of its operations throughout the state of Arizona. Docket Number: E-01933A-12-0291 Court, Board, or Administrative Agency: Arizona Corporation Commission Party on whose behalf applicant seeks to appear: The Kroger Co. Pursuant to Arizona Supreme Court Rule 38(a)(4), the applicant shall complete the information below: Courts to Which Applicant Has Been Admitted: Date of Admission: Bar Number: November 9, 2009 0085402 Ohio Kentucky May 1, 2012 94725 Applicant is a member in good standing in such courts. ☑ Applicant is not currently disbarred or suspended in any court. Applicant \square is / \square is not (select one) currently subject to any pending disciplinary proceeding or investigation by any court, agency or organization authorized to discipline attorneys at law. In the preceding three (3) years, applicant has filed applications to appear as counsel under Ariz. R. Sup. Ct., Rule 38(a) in the following: Title of Matter: Docket #: App Granted? (Y/N) Court or Agency: Appl. Arizona Public Service for Just and Reason E-01345A-11-0224 Arizona Corporation Commission Yes This case or cause \square is / \square is not (select one) a related or consolidated matter for which applicant has previously applied to appear pro hac vice in Arizona. If this matter is a related or consolidated with any previous application, Applicant certifies that he/she will review and comply with appropriate rules of procedure as required in the underlying cause.

If applicable, please provide related or consolidated matter application or docket#

Revised 08/22/11

Page 2			
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State Bar of Arizona Number: 021942			
Address: 7321 North 16th Street, Pho-	enix, AZ 85020		
Telephone: 602-254-6044	_Fax: 602-262-2943	Email Address: jmoore@mbmblaw.com	
✓ Local Counsel is a member in good stan	ding.		
Local Counsel associating with a nonres attorney to the client, to opposing parties	sident attomey in a particular cause as and counsel, and to court, board,	shall accept joint responsibility with the nonresident or administrative agency in that particular cause.	
PART III: Parties and Certification Name(s) of each party in this cause and name	ne and address of all counsel of reco	ord:	
Party: Attached Certificate of Service	Counsel of Record:	Address:	
William Control of the Control of th			
Applicant is including with this application a nonrefundable application fee, payable to the State Bar of Arizona, in the amount of \$460.00. Fifteen percent of the non-refundable application fee paid pursuant to this section shall be deposited into a civil legal services fund to be distributed by the Arizona Foundation for Legal Services and Education entirely to approved legal services organizations, as that term is defined in subparagraph (f) of this rule. Applicant is furnishing a certificate from the state bar or from the clerk of the highest admitting court of each state, territory, or insular possession of the United States in which the nonresident attorney has been admitted to practice law certifying the nonresident attorney's date of admission to such jurisdiction and the current status of the nonresident attorney's membership or eligibility to practice therein. The certificate furnished shall be no more than forty-five (45) days old. Applicant certifies the following: 1. Applicant shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Arizona, as provided in Ariz. R. Sup. Ct. Rule 46(b). 2. Applicant will review and comply with appropriate rules of procedure as required in the underlying cause. 3. Applicant understands and shall comply with the standards of conduct required of members of the State Bar of Arizona.			
STATE OF Ohio			
County of Hamilton) ss.		
I, Jody M. Kyler best of my knowledge and belief.	, swear that all statement	s in the application are true, correct and complete to the	
Dated: 7/16/2012	Applicant's Signature: Jo	ody M. Kyler, Esq.	
SUBSCRIBED AND SWORN TO before I			
Jody M. Kyler Name of Applicant		Kimberly E. Walton Description of the Markon of the Marko	
		Notary Public	
Revised 08/22/11			

Page 2				
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Address: 7321 North 16th Street, Phoenix, AZ 85020				
Telephone: 602-254-6044 Fax: 602-262-2943	Email Address: jmoore@mbmblaw.com			
✓ Local Counsel is a member in good standing.				
Local Counsel associating with a nonresident attorney in a particular ca attorney to the client, to opposing parties and counsel, and to court, bo	ause shall accept joint responsibility with the nonresident part, or administrative agency in that particular cause.			
PART III: Parties and Certification Name(s) of each party in this cause and name and address of all counsel o	f record:			
Party: Counsel of Record: Attached Certificate of Service	Address:			
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Verification STATE OF Ohio	1			
County of Hamilton	SS.			
I, Jody M. Kyler, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.				
Dated: 7/16/2012 Applicant's Signatu	re: Jody M. Kyler, Esq.			
SUBSCRIBED AND SWORN TO before me this 16th day of July, 2012, by				
Jody M. Kyler				
Name of Applicant	Kimberly E. Walton Discally signed by Emberly E Walton One: confidential: Waters on-electrin, flurz Lowry, ou, emaile-basel ton-global Enterior com, callS Date: 2012.07.05 14:19:11 -04:007			
Revised 08/22/11	Notary Public			

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Steve Olea 1200 W. Washington St. Phoenix, Arizona 85007

Arizona Corporation Commission Lyn Farmer 1200 W. Washington Phoenix, Arizona 85007-2927

Bradley Carroll 88 E. Broadway Blvd. MS HQE910 P.O. Box 711 Tucson, Arizona 85702

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Richard Hay
Serieta G. Jaggers
Thomas N. Kerrick
David V. Kramer
Earl M. McGuire
Bobby Rowe
J. Stephen Smith
R. Michael Sullivan
M. Gail Wilson

THIS IS TO CERTIFY THAT

JODY MICHELLE KYLER

Boehm, Kurtz & Lawry 36 East Seventh Street, Suite 1510 Cincinnati, Ohio 45202

Membership No. 94725

is an active member in good standing with the Kentucky Bar Association as required by the Rules of the Supreme Court of Kentucky. Dated this 10th day of July, 2012.



JOHN MEYERS REGISTRAR

Michele M. Pogrotsky, Deputy Registrar

The Supreme Court of Phio

CERTIFICATE

I, SUSAN B. CHRISTOFF, Director of the Attorney Services Division of the Supreme Court of Ohio, do hereby certify that I am the custodian of the records of the Office of Attorney Services of the Supreme Court and that the Attorney Services Division is responsible for reviewing Court records to determine the status of Ohio attorneys. I further certify that, having fulfilled all of the requirements for admission to the practice of law in Ohio,

Jody Michelle Kyler

was admitted to the practice of law in Ohio on November 09, 2009; has registered as an active attorney pursuant to the Supreme Court Rules for the Government of the Bar of Ohio; is in good standing with the Supreme Court of Ohio; and is entitled to practice law in this state.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court, this 17th day of July, 2012.

SUSAN B. CHRISTOFF

Director, Attorney Services Division

Attorney Services Specialist

Kurt J. Boehm, Esq.
Jody M. Kyler, Esq.
BOEHM, KURTZ & LOWRY
36 East Seventh Street, Suite 1510
Cincinnati, Ohio 45202

Ph: 513-421-2255 Fax: 513-421-2764 E-mail: <u>kboehm@BKLlawfirm.com</u>

John William Moore, Jr. (Arizona Bar No. 021942) 7321 North 16th Street Phoenix, AZ 85020

Ph: 602-254-6044 Fax: 602-262-2943 E-mail: <u>imoore@mbmblaw.com</u>

COUNSEL FOR THE KROGER CO.

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS: Gary Pierce, Chairman Bob Stump Sandra D. Kennedy Paul Newman

Brenda Burns

In The Matter Of The Application Of Tucson	:	
Electric Power Company For The Establishment	:	
Of Just And Reasonable Rates And Charges	:	Docket No. E-01933A-12-0291
Designed To Realize A Reasonable Rate Of	:	
Return On The Fair Value Of Its Operations	::	ORDER RE: MOTION TO ASSOCIATE
Throughout The State Of Arizona		COUNSEL PRO HAC VICE

Based upon the Motion to Associate Counsel Pro Hac Vice of John William Moore, Jr., Esq. and the consent of John William More, Jr., Esq. to appear as local counsel, it is hereby ordered that Kurt J. Boehm, Esq. be admitted pro hac vice as counsel for The Kroger Co. in this matter.

DATED this ___day of August, 2012.